

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**MICHAEL W RONDINI, as Administrator  
and Personal Representative for the Estate  
of MEGAN ELIZABETH RONDINI,  
deceased,**

**Plaintiff,**

**vs.**

**TERRY J. BUNN, JR.,**

**Defendant.**

**CASE NUMBER  
7:17-cv-01114-RDP**

**DEFENDANT’S MOTION FOR LEAVE TO FILE UNDER SEAL**

Defendant Terry J. Bunn, Jr. hereby moves the Court for leave to file a motion under seal pursuant to Rule 412(c), *Fed. R. Evid.*. In support of this motion, Bunn states as follows:

Defendant intends to file a motion under Rule 412(b)(2), *Fed. R. Evid.*, regarding Megan Rondini’s past sexual behavior and sexual predisposition. Rule 412(c)(2) states:

“Before admitting evidence under this rule, the court must conduct an in camera hearing and give the victim and parties a right to attend and be heard. Unless the court orders otherwise, the motion, related materials, and the record of the hearing must be and remain sealed.”

*See Judd v. Rodman*, 105 F.3d 1339, 1341 n.6 (11th Cir. 1997) (noting that the district court “ordered that the pertinent motions in limine be sealed consistent with the procedural requirements of Rule 412(c)(2)”; *Dunegan v. City of Council Grove*, 189 F.R.D. 649, 652 (D. Kan. 1999) (“The proper procedure [under Rule 412] would have been to submit the memorandum to the court with a motion to file it under seal.”); *United States v. Smith*, No. 19-324 (BAH), 2020 U.S. Dist. LEXIS 188329, at \*52 n.17 (D.D.C. Oct. 9, 2020) (“The sealing requirement should not be taken lightly ... After all, the sealing directive is integral to the Rule’s aim of ‘safeguard[ing] the alleged victim

against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate sexual details.’ Fed. R. Evid. 412, Advisory Comm.”).

Bunn will submit a paper copy of his proposed Rule 412(b)(2) motion with attached exhibits to the Clerk’s Office in accordance with Rule 412(c) and this Court’s instructions for filing materials under seal as set out in Section III.A. of the Court’s Civil Administrative Procedures Manual.

WHEREFORE, Defendant Terry J. Bunn, Jr. respectfully requests that the Court order that his motion pursuant to Rule 412(b)(2) and supporting exhibits be filed under seal and that the Court conduct an *in camera* hearing on his motion.

Respectfully submitted,

/s/ Richard E. Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of September, 2021, I electronically filed the foregoing document with the CM/ECF E-Filing Website system, which will send notification of such filing to the following e-mail addresses:

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